

NOTICE OF HEARING

HEARING BY COMMISSIONER

I hereby give notice that a Hearing by Commissioners will be held on:-

DATE: Thursday, 25 February 2010 **TIME:** 9.30 am

MEETING ROOM: Council Chamber

VENUE: Waitakere Central, 6 Henderson Valley Road, Henderson, Waitakere

to consider a Resource Consent for 8 Ambrico Place, New Lynn and to take any necessary action connected therewith.



16 February 2010

Maea Petherick
COMMITTEE SECRETARY
Telephone (09) 836 8000 extn 8104

MEMBERSHIP:

Commissioner: H Bhana

**AGENDA FOR A HEARING BY COMMISSIONER TO BE HELD IN THE COUNCIL CHAMBER
AT WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE,
ON THURSDAY, 25 FEBRUARY 2010, COMMENCING AT 9.30 AM**

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**AGENDA FOR A HEARING BY COMMISSIONERS TO BE HELD IN THE COUNCIL
CHAMBER AT WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD,
HENDERSON, WAITAKERE, ON THURSDAY, 25 FEBRUARY 2010,
COMMENCING AT 9.30 AM**

**1 NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE
RESOURCE MANAGEMENT ACT 1991 BY WAITAKERE CITY COUNCIL TO
CONSTRUCT A PEDESTRIAN/VEHICLE ACCESS ROAD AT 8 AMBRICO PLACE,
NEW LYNN.**

N.B. This report sets out the advice of Consent Services to the Hearings Committee on the environmental issues raised by the application for resource consent. It is not the decision of the Council. The decision will be made after consideration of the application by the Hearings Committee.

**LUC 2009-1411
New Lynn Ward**

APPLICATION DETAILS

Senior Planner:	Sarah Glen
Site Address:	Ambrico Historical Reserve, 8 Ambrico Place, NEW LYNN
Applicant:	Waitakere City Council
Date Received:	17 November 2009
Resource Consent No:	LUC 2009-1411
Legal Description:	Lot 2 DP 206413 Lot 3 DP 124443 Lot 4 DP 124443
Address for Service:	Lisa Lyons C/o Beca Planning PO Box 6345 Auckland
Site Area:	0.1392ha
District Plan:	
Human Environment:	Open Space Environment
Natural Area:	General Natural Area
Landscape Elements:	N/A
Hazards:	Property Affected by Flooding
Roading Hierarchy:	Ambrico Place
Heritage:	Heritage and Inventory Site - Ambrico Kiln Category 1 Heritage Item (Ref: 1621)
Proposed Plan Changes:	Plan Change 17 - New Lynn

1.0 INTRODUCTION AND RECOMMENDATION

1.1 Nature of the Application

The applicant seeks resource consent to construct a pedestrian/vehicle access lane through land classified as open space environment by the Operative District Plan. The subject open space land contains a Category 1 heritage item, a historic Kiln. The Kiln is listed as CHI 1221 in the heritage appendix of the District Plan, and is described as follows:

“Brickworks, downdraft kiln 1920s. Significance attributed to historical values”.

The pedestrian/vehicle access lane is primarily to serve the two sites to the north of the open space land, 1C & 1B Rankin Avenue, New Lynn. The existing Rankin Avenue access to these sites is to be closed due to the formation of the new Clark Street low level bridge.

1.2 Resource Management Issues Raised

The Resource Management Act 1991 requires that, when considering an application for resource consent, a consent authority shall have regard to the environmental effects of the proposed activity, together with any relevant objectives, policies and rules of the District Plan.

A1-A375 The current proposal must be assessed as a non-complying activity, and has the potential to give rise to effects in terms of amenity and heritage values of New Lynn and the wider city. A full copy of the application as submitted is attached at pages A1-A375 as Appendix One.

1.3 Planner's Recommendation

The planner who has prepared this report recommends that, subject to any contrary or additional evidence submitted at the Hearing, **consent be granted** to the application for the construction of a pedestrian/vehicle access way. It is considered that the environmental effects that may be generated by the activity would be minor but could be adequately avoided, remedied or mitigated by the imposition of conditions, and that the relevant objectives and policies of the District Plan will be satisfied.

2.0 LOCATION PLAN

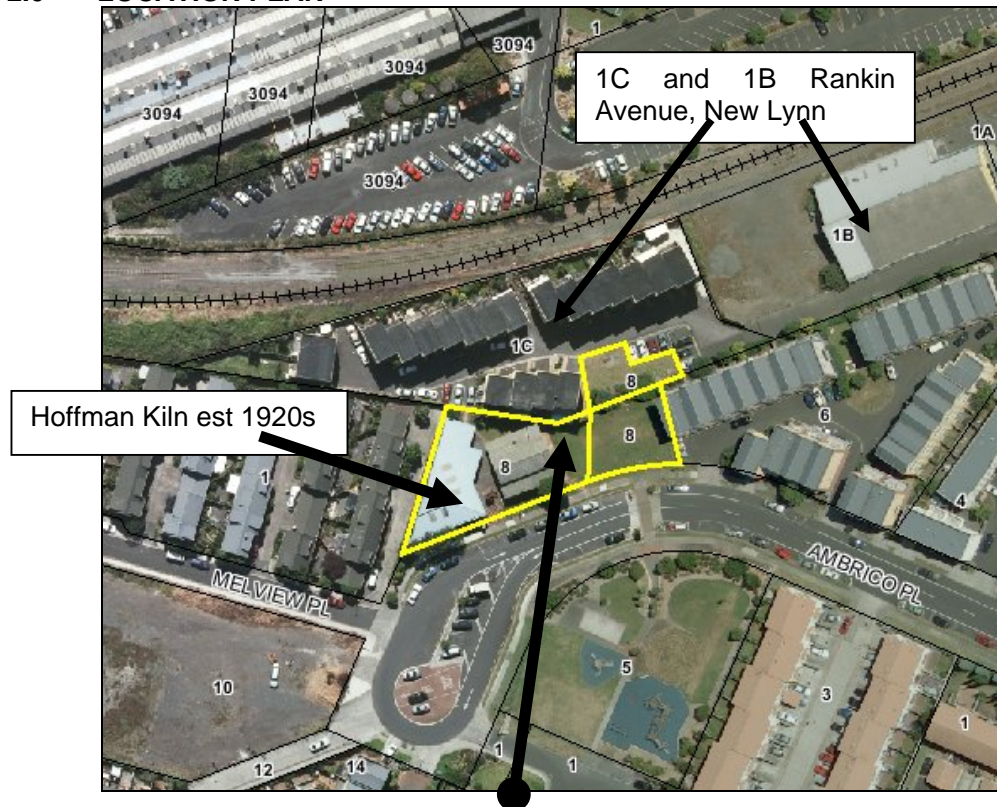


Figure 1 – Aerial Photograph of Site 8 Ambrico Place, New Lynn.

3.0 PROPOSAL

3.1 Background

Waitakere City Council proposes to close the existing Rankin Avenue vehicle access to the Lollipops Educare Site and the apartments located at 1B and 1C Rankin Avenue, New Lynn. The proposed closure of the existing access is to remove traffic concerns that arise from the reconfiguration of the Clark Street, Rankin Avenue and Totara Avenue, New Lynn intersection due to the construction of the Clark Street low-level bridge (refer Notice of Requirement LUC2009-949).

3.2 Proposed Works

Waitakere Council propose to construct a new access road for the Lollipops site and apartments through Ambrico Reserve, adjacent to the Ambrico Kiln. The proposed works will include:

- Construction of a vehicle and pedestrian accessway from 1B and 1C Rankin Avenue, New Lynn via the existing reserve area to Ambrico Place;
- Earthworks over 800m², consisting of 800m³ cut and 700m³ of fill;
- Reconfiguration of the existing Lollipops and apartment car park;
- Pavement treatments on new access way;
- Relocation of speed table (bump);
- Tree removal 2x Generally protected and 11 non protected;
- Replacement planting, landscaping and installation of parks furniture;
- Relocating existing services where required;

- Construction of a rain garden to treat stormwater; and
- Changes to Category 1 Listed Heritage Item (Ambrico Kiln), provision of uplighting within the ground surrounding the Kiln.

4.0 REASONS FOR THE APPLICATION

Consent is required under the following provisions of the District Plan for the following reasons:

General Natural Area

Rule 2 - Tree Removal

The application involves the removal of one generally protected *Griselinia littoralis* and to transplant one generally protected Pohutukawa *Metrosideros excelsa* tree.

- (1) Pursuant to rule 2.2 the clearance of native vegetation and exotic vegetation which is more than 6.0m in height or more than 600mm in girth (measured at 1.4m above the ground). Council requires **Limited Discretionary Activity** consent.

Rule 3 - Earthworks

The application involves earthworks across an area of 800m² cut volume of 800m³ and fill of 700m³.

- (2) Pursuant to rule 3.5 earthworks which do not meet the performance standard of rule 3.4 require **Non-Complying Activity** consent.

The performance standard requires that a Management Plan is submitted which includes:

- The expected type, number and duration of heavy vehicle movements;
- The means by which the land will be stabilised;
- The provision which will be made for drainage and control of silt discharge;
- The manner in which the land will be re-contoured, top-soiled and grassed;
- The means by which roads giving access to the site will be maintained and kept free from deposits of earth;
- A plan of the site showing the area over which earthworks will take place; and
- The approximate type and approximate quantity of material to be deposited.

Heritage

Rule 1 - General

The written approval from the New Zealand Historic Places Trust has not been submitted as part of the application.

- (3) Pursuant to Rule 1.1 applications affecting heritage items listed under Category 1 and/or registered under the Historic Places Act and any waahi tapu or archaeological site (irrespective of whether it is registered or not) require written approval from the New Zealand Historic Places Trust. **If the written approval is not obtained the Council will require such applications to be notified.**

Rule 2.4 - Alteration, Addition to, Demolition of Heritage Structures, Objects, Sites and Places.

It is proposed to construct a pedestrian/vehicle access road, undertake repairs to and install lights in close proximity to the Category 1 Scheduled Ambrico Kiln.

- (4) Pursuant to Rule 2.4 an activity which is not a permitted, limited discretionary or a discretionary activity under Rules 2.0-2.3 requires **Non-Compying Activity** consent.

Rule 4 – Alteration of Archaeological Sites

The proposed construction works will alter an archaeological site.

- (5) Pursuant to Rule 4.2 any activity and temporary activity which involves the alteration of any recorded archaeological site requires **Limited Discretionary Activity** consent.

Open Space Environment

Rule 9 – Infrastructure

The proposed development involves the construction of a vehicle/pedestrian access drive associated with parks activities.

- (6) Pursuant to Rule 9.4 any activity involving parks infrastructure not meeting the standards in Rules 9.1 or 9.2 require **Discretionary Activity** consent.

Rule 11 - Signs

It is proposed to install a 'No Stopping' sign within the park.

- (7) Pursuant to Rule 11.2(b) any activity that involves a sign where the maximum size does not exceed 1.5m² and the sign is not flashing or moving and is located on the site to which the sign relates requires **Limited Discretionary Activity** consent.

Community Environment

It is proposed to reconfigure the car parking and move six car parks from 1C Rankin to 1B Rankin Avenue, New Lynn.

- (8) Pursuant to Rule 14A.2 any activity not meeting the performance standards in rule 14A.1 requires **Controlled Activity** consent.

4.1 Overall, the application is considered to be a **Non-Complying Activity**.

The proposal complies with all other development controls under the District Plan and Plan Change 17.

5.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION

The site is located within both the Open Space and Community Environments as specified by the Operative District Plan. The address of the site is at 6 Ambrico Place, New Lynn. The site is generally referred to as the Ambrico Reserve. The reserve is divided into two by the existing Ambrico Place road.

The site contains the scheduled Category 1 historic Kiln ref: 1621 of the Operative District Plan. A recently constructed building intended as a public exhibition space sits in close association with the Kiln.

The area of the site subject to this proposal, is located on the eastern side of the site, for the length of the site running south to. The area in question is predominately in grass.

There are approximately 11 non-protected trees and two generally protected trees on the site, predominately along the northern boundary. The site is generally flat and in grass.

Access to the site is currently from Ambrico Place.

The area immediately to the south of the site contains the other half of Ambrico Reserve, which contains community amenities such as children's play ground and seating.

To the north of the site are apartments and the Lollipops Educare centre; further north of these developments is the North Auckland Rail Line.

The area to the western side of the site contains residential dwellings.

The area to the immediate east of the site contains an apartment complex.

Within close proximity to the site the land use can be classified as predominately residential in nature.

6.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

A378-A397 The application was publicly notified on Friday, 20 November 2009. The period for submissions closed on Friday, 18 December 2009, six submissions were received. Six submissions opposed the application. One of the submissions was received after the submission period was closed, this submission opposed the proposal. A full copy of the submissions is attached at pages A378 to A 397 as Appendix Three.

6.1 Submissions

The following persons have submitted on the proposal:

Submitter	Address	Support / Oppose
New Zealand Historic Places Trust	C/O Sheree Reynolds Private Bay 105 291 Auckland City	Oppose
Philip Lloyd Richards	11/3 Ambrico Place, New Lynn	Oppose
Stephanie Pickering	29 Tawa Road, Onehunga	Oppose
The Tree Council	PO Box 78 088, Grey Lynn, Auckland	Oppose
W & L Quensell	3/6 Ambrico Place, New Lynn	Oppose
Xing Chen	2/6 Ambrico Place, New Lynn	Oppose

6.1.1 Summary of Submissions

6.1.1.1 Oppose

Trees

- Not enough trees are being replanted to replace those removed; and
- Type of trees proposed are too large within close proximity to the historic kiln.

Traffic Generation and Traffic Safety Effects

- Adverse effect on Ambrico Place;
- Increased noise and pollution from vehicles;
- The reduction of six on street car parks will increase on street car parking demand; and
- Pedestrian safety compromised by increased vehicles on Ambrico Place.

Loss of Open Space Land

- The open space land is not being replaced; and
- Reduction of public open space recreation areas.

Safety/Privacy

- Safety concerns for residential properties;
- Reduction in privacy due to increased pedestrians/vehicles; and
- Increased litter and crime from thoroughfare users.

Property Values

- Decreased residential property values, decreased rental ability, decreased sell ability; and
- Increased building cleaning requirements.

7.0 STATUTORY REQUIREMENTS

7.1 INTRODUCTION

Matters to be considered by the Council when assessing an application for resource consent under section 104 of the RMA include, (subject to Part II), any actual and potential effects on the environment and any relevant objectives, policies, rules or other provisions of a Plan or Proposed Plan.

As part of the assessment process when considering an application for a non-complying activity, the consent authority shall be satisfied that the threshold tests outlined in section 105(2A) of the RMA will be fulfilled, and that all the relevant matters have been considered under section 104.

Section 105(2A) states that:

“a consent authority must not grant a resource consent for a non-complying activity unless it is satisfied that

- (a) The adverse effects on the environment (other than any effect to which section 104(6) applies) will be minor; or*

- (b) *The application is for an activity which will not be contrary to the objectives and policies of:*
- (i) *Where there is only a relevant plan, the relevant plan; or*
 - (ii) *Where there is only a relevant proposed plan, the relevant proposed plan; or*
 - (iii) *Where there is a relevant plan and a relevant proposed plan, either the relevant plan or the relevant proposed plan.”*

The proposal is therefore considered against the above requirements in section 8 of this report, following an assessment of the proposal in terms of its actual and potential effects on the environment and in terms of the objectives and policies of the Proposed Plan.

7.2 Non-Complying Activities

The relevant policies and criteria which apply under the District Plan and the Resource Management Act 1991 are set out in more detail in under 8.2.1 of this report. This should be referred to as the legal framework within which the application should be addressed.

As noted, the proposal requires consideration as a non-complying activity under the provisions of the Resource Management Act 1991. Section 104D of the Resource Management Act 1991 sets a threshold test which all resource consent applications for non-complying activities must first pass before a consent authority has jurisdiction to grant consent, having regard to the matters specified in section 104. In short, the proposal must be able to establish and operate without generating more than minor adverse effects on the environment, or must not be contrary to the relevant objectives and policies of the Operative District Plan. Council may disregard an adverse effect of an activity on the environment if the Operative Plan permits an activity with that effect.

The matters to be considered when assessing an application for resource consent are set out in section 104 of the Resource Management Act 1991. Amongst other things, these matters require consideration of any actual and potential effects on the environment arising from the proposal, together with an assessment as to whether the application is consistent with relevant objectives, policies and rules of the District Plan. All considerations are subject to the provisions of Part II of the Resource Management Act 1991, which sets out the purpose and principles that guide this legislation.

The District Plan has been prepared with an “effects based” emphasis, in keeping with the Resource Management Act 1991. As such, consideration of the application in relation to each of the assessment criteria relating to the various infringements would ensure that all the relevant matters contained in Section 104 of the Resource Management Act 1991 would have been addressed.

In addition, a brief summary is presented below of the main effects on the environment generated by the application, namely:

- Use of public open space for a vehicular access road; and
- Effects on Category 1 Heritage Item (Kiln) and archaeological value of the site.

8.0 Evaluation In Accordance With Section 104 Of The RESOURCE MANAGEMENT ACT 1991

In order to make a decision in terms of section 104B of the RMA it is necessary to undertake an analysis and assessment to determine whether the purpose and principles of the RMA are being met (Part II) having regard to the matters set out in sections 104, 104A - 104D as relevant, the Fourth Schedule and any other statutory considerations.

Section 104(1) of the RMA requires that Council have regard to any actual or potential effects on the environment, any relevant objectives, policies, rules or other provisions of a plan or proposed plan and any relevant regional policy statement and regional plan or proposed plan, and any other matters the consent authority considers relevant and reasonably necessary to determine the application.

When considering an application Council must not have regard to any effect on a person who has given their written approval to the application (section 104 (3)(b)) and may disregard an adverse effect of an activity on the environment if the Operative Plan permits and activity with that effect (section 104(2)).

8.1 Assessment of Environmental Effects (104(1)(a)): Actual and Potential Effects on the Environment.

8.1.1 Effects Permitted by the Plan

Council may disregard an adverse effect on the environment if the plan permits an activity with that effect.

The proposed development can be considered to fall under the definition of Parks Infrastructure which includes 'access drives for parks activities', as the access road is proposed as a shared space. As such, due to the proposed vehicle/pedestrian access way exceeding 6m² in above ground area, the proposed vehicle/pedestrian access way is deemed to fall into a minimum Discretionary Activity category. A number of assessment criteria are considered applicable, in particular in regards to the expected future use of the park and consistency with the relevant Reserve Management Plan.

As such, in light of the above there are no comparable or non-fanciful activities that can be considered.

As such there are no adverse effects that can be disregarded as permitted by the plan.

To assist in the following assessment specialist advice was obtained from:

- Adam Moller - Senior Transport Engineer - Planning;
- Alina Wimmer - Principal Advisor - Heritage;
- Greg Hall - Subdivisions and Consents Engineer;
- Natalie Marsden - Arborist/Ecologist; and
- Peter Joyce - Project Manager Urban Design.

The specialist reports have been attached in Appendices four, five, six, seven, and .

8.1.2 Water Quality and Quantity

The proposed development introduces impermeable surfaces, where 100% impermeable surfaces are permitted within the Open Space and Community Environment.

The applicant submitted a stormwater report as part of the application. This includes details of two proposed rain gardens for treatment of stormwater. The rain gardens are proposed to be located at the northern and southern ends of the vehicle/pedestrian access way.

The proposal has been assessed by Mr Greg Hall, Councils Subdivision and Consents Engineer. Mr Hall does not support the location for the northern rain garden, as it straddles the boundary of 1C Rankin Avenue, New Lynn and the Council owned reserve. This may cause maintenance problems. Mr Hall has recommended that the final location of the northern rain garden be within the Council owned reserve land.

Overall, Mr Hall supports the proposal subject to recommended conditions relating to detailed design and location of the rain gardens to be within Council property. I accept Mr Hall's assessment.

The imposition of erosion and sediment controls would ensure that the proposed earthworks are contained within the site and would not adversely affect water quality/quantity.

Overall, it is considered that with appropriate conditions in place the proposal will have a no more than minor effect on water quality/quantity and would not place additional pressure on the receiving environment, or result in flooding of adjoining properties.

A405-A407 A full copy of Mr Greg Hall's report can be found at pages A405 to A407 as Appendix Six.

8.1.3 Native Vegetation, Vegetation and Fauna Habitat

The proposed development involves the removal of 13 Council owned trees. The proposed trees are located directly in line with the proposed new pedestrian/vehicle accessway.

The proposed tree removals are as follows:

- Four Titoki trees;
- Three Cabbage trees;
- One Gingko tree;
- Two Griselinia trees;
- One Pohutukawa tree;
- One Hebe shrub; and
- One Red Matipo tree.

Two of the subject trees are classified as generally protected by the Operative District Plan, one griselinia and one pohutukawa tree. The pohutukawa tree is proposed to be relocated and replanted, with the final location yet to be confirmed.

The proposed tree removals and transplant of the pohutukawa have been assessed by Natalie Marsden, Arborist/Ecologist for Council. Ms Marsden's assessment involved a review of the arborist report prepared by Nick Stott which was submitted in support of the application. A full copy of Mr Stott's report can be found in Appendix E of the submitted application.

The submission from 'The Tree Council', has requested that more trees are replanted to replace the thirteen that are to be removed. The submission has also requested trees are planted along the fence line of the park and residential properties, to soften the harshness of the 2-storyed façade. Due to the reduction in permeable surface on the site and the existing historic Kiln to plant thirteen trees at the park it is not considered practical. In regards to mitigating the impact from the existing apartments onto the reserve, the apartment complex bulk and location are not subject to this resource consent application, therefore this matter is not considered to be relevant.

Residents of the neighbouring apartments have raised concerns about the loss of the existing view of open space. It is considered that this loss may be mitigated by appropriate landscaping and tree planting. Landscaping and tree planting may have the effect of softening the visual appearance of the access lane. The New Zealand Historic Places Trust submission contained concerns about large trees being planted in close proximity to the historic kiln, and the potential adverse effect from root zones on the kiln foundations. To balance these concerns and to provide a level of mitigation it is suggested that six new trees be planted within the open space land, and these trees be located along the access lane.

Ms Marsden has stated that she supports the replanting of six new trees to mitigate the tree removals. Ms Marsden has suggested conditions in regards to replanting and maintenance.

Ms Marsden supports the proposed relocation of the pohutukawa, subject to conditions.

Overall, Ms Marsden has stated the proposed development will have a no more than minor adverse effect on the existing ecologies and retained vegetation. I accept Ms Marsdens assessment.

A408-A411 A full copy of Ms Marsdens report can be found at pages A408 to A411 as Appendix Seven.

8.1.4 Land / Soil

The proposed development involves earthworks over an area of 800m², a cut volume of 800m³ and fill of 700m³. The subject site is subject to flooding. The proposed earthworks would also be carried out in the general vicinity of a Category 1 Heritage Item, being the Ambrico Kiln.

A Construction Methodology, Vibration Assessment and Geotechnical Report have been submitted in support of the application, a full copy can be found in Appendix C of the application.

It has been proposed within the application that erosion and sediment control measures will be installed in accordance with Auckland Regional Councils TP 90, prior to any earthworks being undertaken on site.

Due to the sensitive nature of the historic kiln, a construction vibration assessment was submitted with the application. The vibration assessment, prepared by Steve Peakall of Marshall Day Acoustics has recommended that as long as no vibrating compacters are used and no piling operations are undertaken the potential effects of the construction on the heritage kiln will be less than minor. Mr Peakall made the distinction between vibrating compacters and hand held vibratory compacters, hand held vibratory compacters are considered to be acceptable. The submitted Construction Methodology has detailed the likely machinery on site, piling machines or vibrating compacters (other than hand held) will not be used on the site. Mr Peakall has also stated that due to the inherent uncertainty in vibration prediction, a Construction Vibration Management Plan should be prepared prior to construction works commencing. I accept Mr Peakall's assessment, and if granted, a condition be placed on the consent to this effect.

Conditions can be imposed to restrict the hours of operation of the construction, to ensure undue noise, dust or traffic effects to adjoining residents do not arise.

Overall, it is considered that the proposed earthworks shall create no more than minor adverse effects, as the proposed works shall be temporary in nature only and shall be subject to proposed conditions of consent which will ensure adverse effects to the Hoffman Kiln, subject site and surrounding environment are minimised.

8.1.5 Heritage

As discussed previously, the site contains a Category 1 Historic Kiln. The proposed construction works will be within 12 metres of the historic kiln. The site is significant in regards to its association with industrial history of New Lynn and has been linked with one of the founding families of New Lynn. During the 1930's the Kiln was burned once a fortnight and had the capacity for 30,000 face bricks. It has been stated by the New Zealand Historic Places Trust in 1986 that "very few kilns survive in New Zealand and the retention of one is of national importance." An ancillary building has been constructed directly to the west of the Kiln, which was to be used to display memorabilia. This building may be used as a museum/pottery centre in the future.

The reserve inclusive of the area where the access lane is proposed was developed by Waitakere City Council in 1999/2000 in a bid to aid long term preservation of the Kiln.

Prior to lodgement of the application, due to the nature of the Kiln, the applicants were requested to prepare a vibration assessment and Heritage Report. As has been discussed above the Vibration assessment deemed the construction effects would have a less than minor effect on the Kiln. However as discussed previously a Construction Vibration Management Plan is considered necessary prior to works commencing to ensure works are carried out according to best practice.

A Heritage Report prepared by Salmond Reed Architects was submitted in support of the application. The Salmon Read Architects report assessed the condition of the Kiln, the proposed works and the vulnerability of the Kiln.

The proposed application and supporting documents have been assessed by Councils Principal Advisor: Heritage, Alina Wimmer. In Mrs Wimmers specialist report she has stated:

The main aspects of the proposal that require consideration from a heritage perspective are:

- *The effects of the shared space construction on the integrity of the historic reserve.*
- *The effects of the shared space on the Ambrico Kiln, associated archaeology and its integration with the town centre.*
- *Connectivity between the town centre and heritage features.*
- *The potential for greater recognition of New Lynn's heritage as part of the overall revised roading programme.*
- *Whether there are regulatory and non-regulatory measures that the applicant could take that would provide for better heritage outcomes.*

The application in the context of broader changes planned for New Lynn seeks to re-work traffic and pedestrian circulation to integrate the double-tracking of rail, roading changes as a result of SH20 and to improve accessibility through the town centre. In an ideal world, there would be no requirement for a road or shared space through a reserve with historic features. However, the shared space through Ambrico Reserve is part of a suite of changes designed to improve circulation through the town centre.

It is considered that the New Zealand Historic Places Trust has a valid concern regarding the integrity of the overall reserve given the Category I building - the Ambrico Kiln located on it. The kiln is considered to be regionally significant. However, in my view, the kiln has already been compromised to the extent that it is now located in an urban context and the reserve itself is relatively small. The proposed road will enable a wider cross-section of the community to gain access to the kiln and the ceramics museum, which will highlight New Lynn's ceramics heritage. Ambrico Place is currently a cul de sac with little through traffic apart from residents. It is considered that the historic reserve can continue to exist and should better connect to the Gardner Reserve where the two sites were originally the one, thus strengthening the connection between ceramics and the Gardner family.

The shared space design should be altered to accommodate the views of the New Zealand Historic Places Trust. The large trees proposed next to the shared space have the potential to obstruct views of the kiln or for the roots to cause damage to any possible archaeological features. It is recommended that the landscaping should be altered to either shrubs or remove them altogether. It is considered that the footprint of the proposed road should be narrowed a little by eliminating the rainwater garden. The rainwater garden, whilst desirable from a water treatment perspective takes up valuable land and is likely to require maintenance with heavy machinery in the future. It is desirable that any heavy earthworks machinery should be minimised in the vicinity of the kiln. The proposal is sound in the respect that it enables access to the historic kiln, connects the community with heritage resources and provides for uplighting around the kiln. The proposal can be improved by Council completing a planned restoration of the kiln. Property Services has advised that the physical works are due to be completed by June 2010. This should assist by providing a greater level of structural integrity for the kiln.

The archaeological assessments by Clough and Associates indicate that whilst there is a very low likelihood of any pre-1900 archaeology, it is accepted that there may be some features relating to the Gardner & Parker brickworks developed from 1902 onwards. It is recommended that the applicant should employ a consultant archaeologist to supervise earthworks of the shared space and record any archaeological features found. The assessment should then form a further report to be lodged with the Council, Henderson library, Auckland Regional Council and the filekeeper, NZ Historic Places Trust.

I accept Mrs Wimmers assessment. The proposed pedestrian/vehicle access way has been designed to visually and physically have as little impact as possible on the kiln and reserve. Overall it is considered that the applicant has undertaken a thorough assessment of the heritage values and potential effects of the proposal from a heritage perspective. This includes commissioning archaeological assessments, obtaining a report of the potential vibration effects on the heritage structure and a peer review of this by a heritage architect. Subject to appropriate conditions, the proposed development will have a no more that minor heritage effect.

A400-A404 A full copy of Mrs Wimmer's report can be found at pages A400 to A404 as Appendix Five.

8.1.6 Traffic Effects/Parking

It is proposed to construct a vehicle/pedestrian access lane though Ambrico Reserve, and reconfigure the existing car parking for 1B and 1C Rankin Avenue, New Lynn. The reconfiguration will not result in a car parking shortfall.

The application has been supported by a Traffic Impact Assessment (TIA), prepared by Beca Infrastructure Ltd (Beca). A full copy of the Traffic Impact Assessment can be found in Appendix I of the application.

The TIA from Beca has assessed the existing vehicle and pedestrian access, the proposed access way design and the predicted traffic volumes. The TIA from Beca has stated:

'The new access way design includes a mountable / flush kerb treatment between Ambrico Place and the adjacent footpath for part of its length. A 5m carriageway is proposed for the new access way.

The proposed access way is designed with reduced road width to help lower vehicle speeds. The access way will have low posted speed limit to further enforce the low speed environment along the access way. A speed table will be installed at the intersection of the new access way and Ambrico Place, which would help reduce speed when manoeuvring into and out of the access way and improve safety for pedestrians.

The sightlines for vehicles entering and exiting the access way from Ambrico Place are considered to be adequate given low speed environment and low volumes as well as removal of parking. In addition, the traffic volume on Ambrico Place is relatively low and hence any safety issues for vehicles turning in/out of proposed access way are considered to be low. The largest vehicle that would be accessing the site is understood to be an 8m rigid truck. Vehicle swept paths diagrams indicate that an 8m rigid truck can satisfactorily enter and exit the proposed access way via Ambrico Place. However, it is considered that these potential conflicts are likely to be minimal as the number of vehicles and trucks turning into and out of the access way would be relatively low.

TDG's report on the proposed access way layout (dated 7 October 2009) indicates that standard 'Give-Way' markings and signage at the access way / Ambrico Place intersection would reduce any safety concerns related to righting turning vehicles. TDG's report recommends that the intersection safety be monitored and additional markings and signage be installed, if any safety issues arise in the future.

Footpaths will be provided on either side of the proposed access way. The footpath from Ambrico Place will be 3m wide and treated with mountable / flush kerb style treatment. The footpath on the eastern side of the proposed access way will narrow to 2m, as it curves around the corner towards the existing Lollipops centre. The narrowing of the footway is to accommodate the largest design vehicle (8.0m rigid truck) when turning left around the corner onto the access way. The footpath on the western side of the proposed access way will narrow down to 1.5m to tie-in with the existing footpath toward the apartments. Pedestrians will be protected from adjacent traffic lane at the corner by a standard kerb and channel style treatment. Pram crossings will be located on Ambrico Place to the west of the proposed access way. This will enable pedestrians to safely cross the road at a dedicated facility instead of using the speed table as a pedestrian crossing.

The existing car park arrangement at 1B Rankin Avenue will be reconfigured and the existing eight car parks will continue to be provided in a new car park area located west of the existing Lollipops centre site. These eight parking spaces will be designed in accordance with the Council's Code of Practice City Infrastructure and Land Development (May 2009). To help vehicles and trucks to safely manoeuvre into and out of the access way, parking would not be allowed at either end of the access way on both sides of the road. 'No stopping at all times' signs would be placed at either side of the road to enforce this. The proposed access way would require removal of around six car park spaces currently located on the northern and southern side of Ambrico Place. However, it is considered that the removal of these three car parks would not have any significant effect, given that the majority of properties off Ambrico place also have offstreet car parking provision.

It is recommended that a Construction Traffic Management Plan (CTMP) be prepared as part of the condition of the resource consent. This will determine and mitigate any likely traffic impacts during the construction of the proposed access way.

The proposal and the supporting TIA have been assessed by Mr John Carroll, Councils Senior Transport Engineer Transport Assets and Mr Adam Moller, Councils Senior Transport Engineer, Transport Assets. It was concluded by both Mr Carroll and Mr Moller, that the proposed development is supported by Transport Assets with no further conditions recommended.

I am in general agreement with the submitted Traffic Impact Assessment, and accept Mr Moller and Mr Carroll's assessment.

Overall, it is considered that the proposal would provide appropriate access design and operation and parking. Potential adverse traffic/parking effects will be no more than minor, and can be remedied by way of condition of consent.

8.1.6 Amenity Values - Health and Safety, Landscapes, Local Areas and Neighbourhood Character

Amenity Values are defined by the Resource Management Act as:

"Those natural or physical qualities and characteristics of an area that contribute to peoples appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes."

The District Plan also defines Amenity Values as follows:

"These are natural and physical characteristics of an area that contribute to people's enjoyment of it..."

The District Plan also provides a definition of Neighbourhood Character:

"Neighbourhood is that small local area, usually the same number of streets around a dwelling or workplace that a person identifies with and knows most thoroughly of all parts of the City. Usually people have a strong sense of belonging and place associated with their neighbourhood. It is the most localised, personal and intense expression of the relationship or people with their environment.

Such neighbourhoods reflect the general amenity values of the surrounding landscape or local area but have distinctive versions of those general features that allow inhabitants to see them as unique and special. This is a neighbourhood character that defines a neighbourhood as unique. Often the particular streetscape contributes strongly to the local neighbourhood, although it is personal perceptions of residents that ultimately define the nature of that neighbourhood."

Accordingly a number of aspects contribute to forming the amenity and neighbourhood character of an area. These factors are discussed below culminating in a discussion regarding the overall effects of the proposal on the amenity and local character of the subject site and the surrounding area.

Historically New Lynn was home to the long established Crown Lynn Potteries (makers of the famous NZ Rail Crockerly) and associated clay pits. New Zealand's first retail shopping mall was opened in New Lynn in 1965. Today New Lynn houses a diverse community, community centre and a major public interchange for rail and bus services.

- *visual amenity, streetscape, sense of place, neighbourhood character scale, form, bulk, privacy, safety*

The proposed vehicle pedestrian access way is proposed to be located within an area of public open space, which adjoins on the eastern and northern sides residential properties. At present the residential inhabitants adjoining the area of open space have a view of relatively flat grassed land which is approximately 20 metres in width.

The District Plan is not concerned with maintaining the total landscape as it currently exists. That is, while those elements and characteristics might be protected, there is also considerable opportunity for change and flexibility that allows each area to evolve and respond to changing circumstance, albeit within a framework of what people value. Under the provisions of Plan Change 17 it is anticipated that development within New Lynn will continue to intensify, thereby incrementally a continual change will occur in relation to visual amenity, streetscape, sense of place, neighbourhood character, and amenity values.

The proposed pedestrian/vehicle access way, is an element of the intensification of New Lynn and it will change the current appearance of the Ambrico Historical Reserve. The proposed change will result in a loss of public grassed open space. At present the reserve contains the historic kiln on the western side, and a grassed area on the eastern side which has a width of approximately 20 metres. The proposed development will take up approximately 8 metres of this width, including the various landscaping features, furniture and signage. This will leave a width of approximately 12 metres of grassed area between the pedestrian/vehicle access way and the historic kiln. This is still considered to be a significant grassed space from which to view and enjoy the historic kiln.

Submissions have raised concerns in regards to the width and form of the pedestrian/vehicle access way. Generally the width of a local road is approximately eight metres. The width of the vehicle access way is 5 metres, with pedestrian/seating and landscaping areas either side. Discussions with Councils Senior Transport Engineer Mr John Carroll have concluded that the vehicle access can not be reduced any further, or safety will be compromised. Whilst it may be possible to reduce the width of the pedestrian/seating and landscaping areas, it is considered that reducing this associated brick paved area will reduce the amenity specifically for pedestrians and be contrary to Councils aim of providing for a pedestrian-focused environment.

Submissions from adjoining residential inhabitants have raised concern in regards to potential adverse privacy and safety effects associated with the new pedestrian/vehicle access way. At present the site is a public area with no restrictions on the area being used day or night. At present there is minimal lighting in the reserve. The predominant users of the proposed pedestrian/vehicle access way will be the occupiers of 1C and 1B Rankin Avenue, New Lynn. It is an aim of the wider New Lynn Urban Regeneration project, that the access lane will be used by pedestrians as a means increasing connectivity with the New Lynn Town Centre. The proposed pedestrian/vehicle access way has been designed with Crime Prevention Through Environmental Design (CPTED) principles, particularly with clear sightlines and signage incorporated into the design. It is considered that the area may benefit from an increase of casual street surveillance. Whilst it is accepted there may be some perceived privacy effects, this is considered to be no more than minor.

Potential adverse visual impacts to the adjoining residential properties have been raised in submissions. A variety of measures can be seen to be incorporated into the development to mitigate potential adverse effects, particularly those potential effects on the residential apartments along the corner off 6 Ambrico Place, New Lynn. Some of these but not all are bullet pointed below:

- Landscape works to partially screen and enhance the amenity of the interface between the western end unit of 6 Ambrico Place, New Lynn and the proposed pedestrian/vehicle access lane;
- Strategic specimen planting to enhance the amenity of the new access lane and nearby residential environment;
- Lighting along the new lane is to be pedestrian scaled, and suitably shaded to avoid direct light effects on adjacent residents; and
- New signage and removal of redundant signs in the reserve.

It is considered that the applicant has provided adequate mitigation to address the potential adverse visual impact the access lane may have on the adjoining residential properties. The applicant has designed the access lane to appear more like a pedestrian space, then a road.

Visually the pedestrian/vehicle access lane will appear as a 'shared' space. The surface of the space is to be paved in exposed aggregate concrete which will match that used at Gardner Reserve as part of the wider TOD works. The pedestrian/vehicle access way will appear as part of the wider New Lynn pedestrian network, thereby contributing to the sense of place that will be associated with New Lynn.

The application was supported by an Assessment of Landscape and Visual Effects from Rachel de Lambert - Boffa Miskell Limited.

Ms Lambert has stated:

'The historic kiln and its associated reserve are already a small feature related to the past industrial activities within this part of New Lynn. They appear as a vestige set within a new medium density residential housing enclave. The proposed new works are of high quality amenity and have been designed to recognise the sensitivity of the site and locality. The works are contemporary and avoid historicism or inappropriate replication of historic brick - materials which could degrade the integrity of the historic reserve and kiln. The reserve will be altered, but the pedestrian access connecting to Gardner Reserve is appropriate and the provision of low-level vehicular access to the adjacent landlocked sites is appropriate given the wider street networks in the locality. The lane does not provide through access and will have a use limited to the provision of 20 terrace apartments and the commercial activity at the Lollipops site.'

I am in agreement with Ms Lamberts assessment. Streets and footpaths are an expected part of any urban environment. It is accepted that the proposed pedestrian/vehicle access way has been designed to visually and physically have as little impact as possible on the kiln and neighbouring residential properties.

Whilst the development will alter the existing character and amenity of the subject site and surrounding area, on balance, any adverse effects on visual amenity, streetscape, sense of place, neighbourhood character, amenity values, scale, form, bulk, privacy and safety effects and views from the development are considered to be no more than minor.

- *Noise, vibration*

The development has the potential to generate noise and vibration effects during the construction phase of the development, particularly as a number of vehicles and machines will be required at the site in order to carry out site works. Due to the small scale nature of the development it is anticipated that that the construction will generate noise and vibration permitted by the District Plan. If excess noise and vibration were to occur they will be temporary construction effects and limited to the hours of construction only.

Overall, potential noise or vibration effects will be no more than minor, subject to appropriate conditions of consent.

8.1.8 Summary

A summary of the effects of the proposal are as follows:

- The proposal will allow for the continued vehicle access too two properties whereby the existing access is going to closed as a part of wider development within the New Lynn Town Centre;
- The proposal will generate no more than minor adverse Heritage effects to the Category I scheduled Kiln; and
- The proposal will generate no more than minor amenity effects to neighbouring residential properties;

Overall, the proposal will have minor adverse effects. The actual and potential adverse effects of the proposed activity can be adequately remedied or mitigated through appropriate conditions of consent.

8.2 Any Relevant Provisions of the District Plan 104(1)(b))(iv):

8.2.1 District Plan Policies and Objectives

The relevant objectives and policies in relation to this proposal are:

Heritage

Objective 12

Policies, 12, 12.2, 12.3, 12.4, 12.5, 12.8, 12.9

Of particular relevance to the proposal are Policies 12.4 and 12.5 of the District Plan, which state:

Policy 12.4 -

“Activities on sites containing heritage items listed in the District Plan, should be managed and located, and be of a scale, form and appearance which does not detract from the appearance and integrity of the listed heritage item. Particular Regard should be had for signs, structures and exterior lighting place on or adjacent to a heritage item, the location of vehicle access points and parking areas, the design of paths, fencing and gates and the retention of vegetation...”

Policy 12.5 -

“Activities on sites adjacent to sites containing listed heritage items shall be designed, located and carried out in a way that minimises:

- *Physical domination of the listed heritage item;*
- *Loss of the original setting, including surrounding trees and gardens; and*
- *Incompatibility with the scale and form of any heritage building, including roof form and roof angles.*

The policies recognise that heritage items do not exist in isolation and are subject to the dynamic flow of the urban environment in which they are placed.

Councils Project Manager Urban Design, Mr Peter Joyce has assessed the proposed development in regards to the objectives and policies of the District Plan relating to Heritage.

Mr Joyce has stated:

“The Urban Regeneration Framework noted that the New Lynn town centre has been subject to sustained and continuing redevelopment and has such lost much of its original fabric and identity. However despite this there are elements such as the Ambrico Kiln which are still recognised as contributing to the overall sense of place and history of New Lynn. A key objective of the Urban Regeneration framework is to ensure the retention of the existing character in New Lynn as a basis for future development which includes the investment in public spaces and street upgrades. The proposal it is considered has been designed to ensure that the access way is sensitive to the significant heritage feature on the site. The Ambrico Kiln while currently located within a high density residential area would instead be located on a major pedestrian route to the town centre and public transport interchange. The proposed alterations in the form of up-lighting will attract more interest in the heritage feature and is considered will help to enhance the prominence of the kiln within the area. It is noted that the palate of materials and treatments in the reserve are consistent with those being proposed elsewhere in New Lynn and as such reinforce the linkages between this space and the other open spaces within New Lynn.”

I accept Mr Joyce’s assessment. Mrs Alina Wimmer Councils Principal Heritage Advisor has also assessed the proposed development. Mrs Wimmer supports the proposal subject to conditions.

Policy 12.8 is concerned with avoiding adverse effects to the physical structure and integrity of any archaeological site. As identified in section 8.1.5 above, the proposal is considered likely to give rise to adverse effects on the archaeological site that will be no more than minor.

Overall, whilst the proposal will impact on the heritage site the development has been designed in a way which is sensitive to the Heritage aspect of the site. On balance the proposal is considered to be generally consistent with the objectives and policies of the Operative District Plan relating to Heritage.

Amenity Values
Objective 11
Policies 11.2, 11.32, 11.46, 11.47

The proposal would result in the reduction of green space at the Ambrico Kiln Reserve by providing a road access way over the reserve.

Peter Joyce, Councils Urban Design Project Manager has provided comment in regards to the amenity associated with the subject open space.

'The design has ensured that the access way continues to form part of the reserve and provides a solution where the Kiln Reserve can become an integrated piece of public space that can successfully serve the needs of passing traffic and the pedestrian movement network without disruptive and disfiguring components to the open space or associated heritage building located in the reserve.

While the proposal would technically result in the reduction grassed open space the space would still be able to be used as hard landscaped recreation space. The proposal ensures that this reserve would be integrated into the wider open space network and not an isolated reserve and therefore is considered to be consistent with the Council's plans to regenerate New Lynn into a vibrant and well connected transit oriented urban centre and to upgrade the open space network to support the regeneration of the wider town centre. The proposed design would allow the proposed access way to serve a multi functional purpose as a place for play and recreation, to enhance the heritage and character features on site in a sensitive way, and form part of the green network and movement network all while resolving the access and safety issues to the sites at 1B and 1C Rankin Ave, New Lynn.

The tree specimens and lighting proposed in the reserve as part of this concept are considered to be consistent with CPTED principles providing a safe and clear view at all times for pedestrians and park users when using this access way and reserve. The proposal would formalise an existing pedestrian route through private property and would directly link the Kiln Reserve to Gardner Reserve to the east.'

I concur with Mr Joyce's comments in regards to the amenity associated with open space. Overall the proposal is considered to be consistent with the objectives and policies for amenity values.

Vibration/Noise Effects
Objective 10, 11
Policies 10.3, 10.10

The proposal has the potential to generate noise and vibration effects during the construction phase of the development.

Policy 10.10 -

"Any activity that generates vibration should be carried out in a way that does not cause a nuisance, or otherwise have an adverse effect on the health of occupants of adjacent properties".

The development has the potential to generate noise and vibration effects during the construction phase of the development, particularly as a number of vehicles and machines will be required at the site in order to carry out site works. If excess noise and vibration were to occur they will be temporary construction effects and limited to the hours of construction only. It is not anticipated that excess noise and vibration effects would be experienced on or at the boundary of the living environments.

It is anticipated that the general day to day operation of the pedestrian/vehicle access way would not generate noise above that specified by the District Plan. The primary noise emitted from the site is expected to be related to the vehicle movements and such activities are expected within the District Plan.

Overall the proposal is considered to be consistent with the objectives and policies for noise and vibration.

Signs

Objective 10, 11

Policies 10.3, 10.7, 11.11

Policy 10.3 -

“Activities shall be managed in a way that any associated artificial lighting of roads, driveways, signs and sites and the exterior of buildings do not detract from the ability of occupants of surrounding buildings to achieve uninterrupted and adequate levels of sleep.”

The proposal development includes the provision of signage associated with the new pedestrian/vehicle access way and Kiln. Signage internal to the site is generally required to provide operational and directional information to users of the site. None of the signs will be flashing, and lighting is proposed to be low level lighting.

The proposed signage at the site is what could be expected to be found associated with an Open Space development and the pedestrian network of New Lynn.

Overall the proposal is considered to be consistent with the objectives and policies for signage.

Effects on Water Quality and Quantity

Objective 1, Policies 1.2, 1.10, 1.14, 1.15 and 1.18

Policy 1.10 -

“impermeable surfaces and stormwater infrastructure shall be designed and managed in a way that avoids adverse impacts on water quality, including life-supporting quality of water, arising from the discharge of stormwater into the City’s watercourses”.

The proposed development involves an increase in impermeable surfaces on the site, and subsequent stormwater runoff. The engineering devices that are proposed would adequately mitigate the effects of stormwater on site.

Runoff from the pedestrian/vehicle access way areas would be directed to rain gardens, this stormwater would also be treated to remove contaminants. The water that is discharged into the receiving environment would not adversely affect the quality of water downstream and by gradual discharge would not contribute to down stream flooding. The proposal is considered consistent with the above policies for Water Quality and Quantity.

8.2.2 Rules and Assessment Criteria

The District Plan Assessment Criteria have been developed to address the issues covered in the objectives and policies and are a useful guide in assessing the effect of an activity. The proposal has been assessed comprehensively against the relevant objectives and policies as discussed in section 8.2.1 are considered to be consistent. The proposal is therefore considered to be consistent with the District Plan assessment criteria.

8.3 Auckland Regional Policy Statement, Plan or Proposed Regional Plan (104(1)(b)(iii) and (iv))

The Auckland Regional Policy Statement (ARPS) became operative in 1999 (subject to plan changes at various stages in the statutory process) and sets out the broad resource management issues, objectives and policies for the Auckland Region to achieve the integrated management of its natural and physical resources. The Policy Statement functions as an umbrella policy document for environmental planning and policy development within the region, under which the Waitakere City Operative District Plan has been prepared.

Chapter 6 of the Auckland Regional Policy statement relates to heritage issues, objectives and policies. Specific policy guidance is provided in relation to the preservation and protection of heritage resources of international, national or regional significance (Policy 6.4.1), heritage use and access (Policy 6.4.4), evaluation of natural heritage (Policy 6.4.7), restoration of natural heritage (Policy 6.4.10), evaluation of geological heritage (Policy 6.4.13), evaluation of cultural heritage (Policy 6.4.16), and landscape (Policy 6.4.19).

These policies relate predominately to broader heritage issues, and are of direct relevance to the current proposal. Particularly objection has been raised by the New Zealand Historic Places Trust (NZHPT).

The development is part of a wider development programme that is occurring in New Lynn to improve accessibility through the town centre. The pedestrian/vehicle access way has been designed with great sensitivity to the Ambrico Kiln, and a thorough assessment of heritage values and potential effects of the proposal from a heritage perspective has been undertaken by the applicant. Of particular concern to the NZHPT was the large trees proposed along the pedestrian/vehicle access way, and the potential affect of large rootzones to the foundations of the Ambrico Kiln. To alleviate this concern, it is recommended that appropriate sized trees be located within inground planter boxes, thereby minimising this potential adverse effect.

The proposal has been assessed by Councils Principal Advisor - Heritage, Alina Wimmer. Mrs Wimmer generally supports the proposal, subject to conditions.

Overall, subject to conditions the proposed development is in general accordance with the Regional Policy Statement, or any Proposed Plan Change associated with the this document.

8.4 Any Other Matters the Consent Authority considers relevant and reasonably necessary to determine the Application (104(1)(c)).

New Lynn Reserves Management Plan

The Waitakere City Reserve Management Plan for New Lynn Reserves (RMP) which includes a specific section dedicated to Ambrico Reserve was adopted in August 2004. The concept plan for Ambrico reserve has recently been reviewed. The review process has involved a proposed change to the reserve management plan which was publicly notified. The change to the concept plan was accepted by the New Lynn Community Board, 30 November 2009. The change to the concept plan included the proposed pedestrian/vehicle access way. As such the proposal is considered to be entirely consistent with the newly amended Reserve Management Plan.

Waitakere City Council Heritage Strategy (updated 2004) & Heritage Action Plan

Council's Heritage Strategy and Heritage Action Plan contain broad policy regarding the protection of general heritage, interpreting the City's heritage, and community involvement in heritage management. Objective 1 of the Heritage Strategy relates to recording the City's heritage, seeking to ensure that past events, experiences and memories, and information about physical heritage is retained and managed to the benefit of the community. In this case, an extremely thorough historical record of the Ambrico Reserve has been prepared by Clough & Associates Ltd. This provides a comprehensive record of the site and has been submitted to Council's Principal Advisor: Heritage.

Objective 2 of the Strategy aims to protect sites that have minimal physical risk to their long term survival from decay of materials or harm arising from use. An Architectural Heritage Assessment was undertaken by Salmond Reed Architects. The assessment included a report on the existing condition of the Heritage Kiln, and the potential impact from the proposed works and the review of the 2005 Conservation Plan for the associated Gardner Reserve. The report concluded that subject to appropriate conditions relating to a Construction Vibration Management Plan and Archaeological Supervision of works, the potential adverse impact to the Heritage Kiln and potential below ground structures in Gardner Reserve will be minimised.

Overall it is considered that the proposal is consistent with Council's Heritage Strategy (updated 2004), and Heritage Action Plan.

8.4.1 Other Issues Raised by Submitters Not Covered Elsewhere in Report

Property Values

Through the submission process, the potential issue of detriment to property values has been raised. The RMA and the associated resource consent process deal with the environmental effects of the development and therefore do not directly consider property values. Case law on the effects that such a development would have on property values has been clear that the economic value of property cannot be considered as an environmental adverse effect.

8.4.2 Development Contribution

A development contribution is not applicable for this development.

8.4.3 Monitoring

The performance of the activities under this consent will be subject to Council's standard monitoring procedures. These procedures include scheduled inspections to ascertain compliance with conditions of consent, together with periodic inspections as and when required to establish whether conditions are being complied with on an ongoing basis.

8.4.4 Any Other Relevant Non-Statutory Documents

- Auckland Regional Growth Strategy (ARGS);
- Waitakere City Growth Management Strategy (Draft); and
- Sustaining the Auckland Region Together (START).

New Lynn is one of Waitakere's three main town centres and is an identified area for future intensification due to being a major transport corridor and containing a major transport interchange centre - The New Lynn Station. The proposed development supports the mixed use travel plan for the town centre.

Overall, the development is located within one of the identified growth areas of Waitakere City as identified within the above documents. The proposed development is considered to be generally aligned with meeting the expectations of the various growth strategies.

8.5 Lapsing of Consent

Under section 125 of the RMA, unless it is given effect to, a consent lapses either on the date that is specified in the consent if not date is specified, five years after the date of commencement of the consent.

9.0 PART II OF THE RESOURCE MANAGEMENT ACT 1991

It is considered that the proposal would be consistent with sections 5, 6, 7 and 8 of the RMA.

The purpose and principles of the RMA have primacy over all other considerations that are set out in section 104 of the legislation. In summary, sections 5, 6 and 7 require that resources must be sustainably managed in such a way that any adverse effects on the environment can be avoided, remedied or mitigated. Furthermore, the RMA requires that amenity values and the quality of the environment are to be maintained and enhanced.

9.1 SECTION 5

Section 5 in part II of the RMA identifies the purpose of the RMA as being the sustainable management of natural and physical resources. This means managing the use of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

It is considered that the proposal is consistent with sustainable resource management. In particular this proposal is concerned with the sustainable management of the Working Environment in such a way as to enable social and sustainable economic development in Waitakere City.

9.2 SECTION 6

Section 6(f) requires the protection of historic heritage from inappropriate subdivision, use, and development. The proposed activity will have a no more than minor adverse effect on the Category I heritage item and archaeological site.

In addition, the proposal is not considered to adversely affect any matters of national importance. It is considered that any adverse effects arising from the proposal are limited in significance to the surrounding environment.

9.3 SECTION 7

Section 7 identifies a number of "other matters" to be given particular regard by the Council in the consideration of any assessment for resource consent, and includes the efficient use of natural and physical resources, and the maintenance and enhancement of amenity values.

It is considered that there are no other matters considered relevant to this application for resource consent.

It is considered that the granting of this application would not be contrary to the purpose of the Act. The proposal will enable people and communities to provide for their economic, social and cultural well-being and their health and safety without significantly compromising the needs of future generations or the life supporting capacity of natural resources such as air, water and soils. Through the imposition of appropriate conditions of consent, it is considered that the proposed activity can sufficiently avoid, remedy or mitigate any adverse effects on the environment.

10. EVALUATION IN ACCORDANCE WITH SECTION 104D OF THE RESOURCE MANAGEMENT ACT 1991

As noted, the proposal requires consideration as Non-Complying activity under the provisions of the RMA. Section 104D of the RMA sets a threshold test which all resource consent applications for non-complying activities must first pass before a consent authority has jurisdiction to grant consent, having regard to the matters specified in section 104. In short, the proposal must be able to establish and operate without generating more than minor adverse effects on the environment, or must not be contrary to the relevant objectives and policies of the Operative District Plan. In terms of determining adverse effects, Council may disregard an adverse effect of an activity on the environment if the operative plan permits an activity with that effect.

The threshold test in section 104D of the RMA states that a consent authority must not grant consent to a non-complying activity unless it is satisfied that the adverse effects on the environment will be minor (104D(a)) or the activity will not be contrary to the objectives and policies of a plan or proposed plan (104D(b)).

It is considered that the threshold test for a non-complying activity has been met as the proposal satisfies section 104D. Subject to appropriate conditions of consent adverse effects will be remedied or mitigated. The proposal is not contrary to the relevant objectives and policies of the District Plan. Jurisdiction to grant consent has therefore been established.

11.0 CONCLUSION

It is considered that the proposal **meets** the criteria for granting consent as the potential adverse environmental effects are **minor** subject to adequate remediation or mitigation through the imposition of appropriate conditions of consent. It is considered that the construction of a pedestrian/vehicle access way **will not** lead to a decline in the amenity values of the subject site or surrounding area. The proposal is considered to be consistent with the objectives and policies of the District Plan.

Subject to any additional and/or contrary evidence being presented at the hearing, it is concluded that the application **merits consent** in accordance with Section 104 of the Resource Management Act 1991.

12.0 RECOMMENDATION

That pursuant to sections 104,104B, 104D, 108 and 113 of the Resource Management Act 1991, and subject to additional or contrary information being presented at the hearing, consent be **granted** to the application by Waitakere City Council to construct a vehicle/pedestrian access way. The proposal will infringe controls relating to tree removal, heritage, earthworks, open space, and parking (as more accurately defined in Sections 3 and 4 of this report) at 8 Ambrico Place, New Lynn, being Lot 2 DP 206413, Lot 3 DP 124443 and Lot 4 DP 124443 for the following reasons:

- (i) The proposal would have a no more than minor adverse effect on the visual or heritage amenities of the site or cause detriment to nearby residential amenity in terms of loss of privacy, daylight, traffic noise, glare, or increased visual intrusion over and above that permitted by the Plan.
- (ii) The proposal will enhance the capabilities of the site in order to provide for a greater pedestrian connectivity with the Gardner Reserve and the New Lynn town centre.
- (iii) The proposed landscape treatment would integrate the pedestrian/vehicle access way area breaking-up, and softening the development as viewed from the street and nearby properties.
- (iv) Adequate on-site parking and manoeuvring is continued to be provided to 1B and 1C Rankin Avenue, New Lynn and access to these site would not detract from matters of road safety. The existing road network, subject to minor associated road improvements would be of sufficient capacity to accommodate the additional traffic movements without detriment to the road's function or safety in the road hierarchy.
- (v) Any actual or potential effects on the environment by the proposal are considered to be minor and will be adequately avoided, remedied or mitigated by the conditions of consent.
- (vi) The proposal satisfies the relevant objectives, policies, rules and other provisions of the Operative and Proposed Waitakere City District Plan

Consent shall be subject to the following conditions:

GENERAL

1. The development shall proceed in accordance with the plans titled:

Report / Drawing Title	Reference #	Prepared By	Date
Proposed Resource Consent Application and Assessment of Environmental Effects, Ambrico Place Access Road.	LUC 2009 1411	Beca Carter Holdings Ltd	November 2009
Design Drawings	LA0-00 LA0-01 LA1-01 LA1-02	Architectus Ltd	October 2009

and all referenced by Council as RMA 2009-1411 and all other information, including further information, submitted with the application.

2. A consent compliance monitoring fee of \$728.00 (inclusive of G.S.T.) shall be paid to the Council. This fee is to recover the actual and reasonable costs incurred ensuring compliance with the conditions of this consent. If, on inspection all conditions have not been satisfactorily met, a reinspection shall be required at the relevant hourly rate applicable at the time the reinspection is carried out.

PRE-START CONDITIONS

3. **Prior to works commencing**, that applicant shall organise a Pre-Start meeting onsite with Council's Environmental Monitoring Officer (EMO) (Phone Council's Call Centre 839 0400 to arrange an inspection) to discuss the following:
- The conditions of Resource Consent;
 - Details of the revised location of the stormwater treatment devices to ensure they comply with condition 11;
 - The final location and design of the sediment and erosion controls;
 - Provide the name, phone number and signed confirmation that a road sweeping contractor has been engaged to sweep the roads on an as-needed basis to ensure storm water quality is not affected;
 - Designated site entry and stabilisation requirements;
 - Stockpile locations;
 - Earthworks Methodology; and
 - Any other matters arising.

The Consent Holder's representative and chief site works Contractors are to be present. The Consent Holder's representative shall minute the meeting and circulate those minutes to all in attendance including the Council's EMO.

4. **Prior to works commencing**, a Traffic Management Plan (TMP) shall be submitted to Council's Roding Officers for approval. The TMP must be prepared by a qualified and experienced Site Traffic Management Supervisor (STMS) and shall be approved in writing prior to works commencing.
5. **Prior to works commencing**, a Construction Vibration Management Plan (CVMP) shall be submitted to Council's Roding Officers for approval. The CVMP must be prepared by a qualified and experienced vibration specialist and shall be approved in writing prior to works commencing. The Construction Vibration Management Plan shall contain the following details:
- The measures adopted to meet the vibration standards of the German Standard DIN 4150;
 - A vibration monitoring programme;
 - Possible mitigation measures (this would necessarily mean the specification of the construction equipment to be used (and specification of equipment which shall not be used);
 - Reporting procedures;
 - Notification and information for the community of the proposed works;
 - For construction equipment of concern, vibration testing of that equipment to confirm that the vibration limits would not be exceeded;
 - Locations for vibration monitoring when critical construction activities are to occur;
 - Operational times and a construction programme; and
 - Preparation of structural assessment reports prior to and after completion of works.

6. **Before commencement of any works** and until completion of exposed site works, adequate sediment and erosion control measures in accordance with the Auckland Regional Council Technical Publication No. 90 "Erosion and Sediment Control Guideline for Earthworks" (latest edition) shall be constructed and maintained by the consent holder. The consent holder shall notify Council's Monitoring Officer - Resource Management (ph 8390400) when controls are in place. Work shall not commence until approval has been gained in writing from the Manager: Resource Consents. The control measures must be maintained until the site has been adequately stabilised against erosion and sediment-laden run off

CONSTRUCTION REQUIREMENTS

7. All dirt tracked onto the surrounding roads as a result of the development covered by this consent shall be cleaned by sweeping on a daily basis at the expense of the applicant. The applicant shall also nominate a road sweeping contractor and provide Council's EMO with the contact details. In the case of repeated non-compliance the road sweeping contractor maybe engaged by Council's EMO at the applicants cost. Wheel wash facilities must also be employed by the applicant if deemed necessary by Council at the time. At no time shall any dirt on the roads be washed down with water.
8. Footpaths, berms and kerbs shall be protected from damage by crossing or parking vehicles to the satisfaction of the Manager: Resource Consents. Any damage which is attributed to the earthworks operation shall be rectified at the cost of the consent holder and at the direction of Council.
9. In the event of archaeological features being uncovered (e.g. shell middens, hangi ovens, pit depressions, defensive ditches, and artefactual material or human bones) work shall cease in the vicinity of the discovery and the area shall be secured. The Manager: Resource Consents, the New Zealand Historic Places Trust, Auckland Regional Council Archaeologist and the appropriate iwi authorities shall be contacted so that appropriate action can be taken. This includes such persons being given a reasonable time as determined by Council to record and recover archaeological features discovered before work may recommence.

Advice Note: for advice as to the appropriate Iwi authorities contact the Manager: Maori Issues.

10. The level of vibration within the kiln during the construction phase shall not exceed Standard DIN 4150-3:1999 "Structural Vibration Effects on Structures" - category 3 guidelines for structure of heritage value. Only hand operated compactors should be used during construction.

PUBLIC DRAINAGE INFRASTRUCTURE

11. Design, provide and install a complete stormwater quality treatment system for the new impermeable surface area associated with the development in accordance with the Auckland Regional Council's TP10 'Stormwater Management Devices Design Guideline Manual', and WCC Code of Practice for City Infrastructure and Land Development (refer Section 4). Provide a copy of the ARC consent conditions, engineering plans and calculations to Council for approval prior to commencing works. Specific requirements:
 - a. Provide in the design of the devices for treatment of all upstream flows entering each device;
 - b. Provide a surveyed as-built plan of each device;

- c. Provide a maintenance manual for each treatment device;
- d. All treatment devices are to be located entirely within Waitakere City Council owned land; and
- e. No catchpit leads or service connections are to be located under the devices.

LANDSCAPING

12. Subject to the conditions outlined below, the vegetation alteration shall proceed in accordance with the information submitted with the application referenced by Council as LUC 2009-1411. Vegetation alteration shall be limited to the removal of 1x *Griselinia littoralis* and the transplantation of 1x Pohutukawa *Metrosideros excelsa* tree as identified within the application and submitted Arboricultural Report by Nick Stott for ArborAdvice Ltd, dated 4 November 2009.
13. All works pertaining to this Resource Consent shall be executed in accordance with the submitted Arboricultural Report by Nick Stott for ArborAdvice Ltd, dated 4 November 2009, except where superseded by the following conditions:
14. The removal of the 1x *Griselinia littoralis* tree as described in the application shall be undertaken by appropriately trained and skilled persons in accordance with modern arboricultural practices to avoid damage to or death of other protected vegetation growing beneath or alongside.
15. The transplantation of the 1x Pohutukawa *Metrosideros excelsa* tree as described in the application shall be executed in accordance with the recommendations of the Arboricultural Report by Nick Stott for ArborAdvice Ltd, dated 4 November 2009.
16. Within the planting season (typically April - Sept) immediately following the completion of the project works, the consent holder shall undertake replanting of a minimum of six replacement trees, as per the Arboricultural Report by Nick Stott for ArborAdvice Ltd, dated 4 November 2009, and with the final approval of the Parks Department.
17. It shall be the responsibility of the resource consent holder to provide evidence of this replacement planting to Council's Environmental Monitoring Officer in the form of an invoice or similar.
18. The replacement trees, and one transplanted tree, shall be of good quality nursery stock and maintained to the satisfaction of Council for a period of two years from the date of planting. If the replacement trees, or transplanted tree, die within this period, they shall be replaced and maintained as per the stated condition.

*[*This is a horticultural term referring to the pint bag size the tree has been grown in. A tree nursery or garden centre will be able to advise you with respect to fulfilling the outlined requirements].*

Advice Notes:

1. Where indicated in the conditions it is the consent holders responsibility to inform the Environmental Monitoring Officer when inspection is required. Inspections can be requested through the Call Centre on 839 0400.
2. Construction works appear to be within 10 metres of Water Care Services, consent from Water Care Services may be required.

3. Pursuant to section 125 of the Resource Management Act 1991, this consent shall lapse after a period of five years after the commencement of the consent.

Report prepared by: Sarah Glen, Senior Planner and peer reviewed by Steve McKenzie,
Team Leader: Resource Consents.

